



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR AGENDA

**Newport Beach City Hall, Council Chambers
3300 Newport Boulevard
Wednesday, November 28, 2012 – 3:30 p.m.**

Patrick J. Alford, Zoning Administrator

Staff Members:

**Kay Sims, Assistant Planner
Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Assistant Planner**

A) CALL MEETING TO ORDER

B) MINUTES OF NOVEMBER 14, 2012

C) PUBLIC HEARING ITEMS

Item No. 1. Reusing Lot Line Adjustment No. LA2012-006 (PA2012-124)
609 Vista Bonita Council District 4

Summary: A lot line adjustment for the purpose of increasing the square footage of the subject lot approximately 850 square feet by adjusting the lot lines between the subject lot and the adjacent common lot area of The Bluffs Homeowner's Community Association residential development. There will be no change in the total number of lots. The property is located in the R-1 (Single-Family Residential), The Bluffs District.

Recommended
Action: 1) Continue to December 12, 2012 per the applicant's request.

Item No. 2. Poppy Avenue Child Daycare - Minor Use Permit No. UP2012-021 (PA2012-127)
613 Poppy Avenue Council District 6

Summary: A request for a minor use permit to convert an existing at-home child daycare from a small licensed facility (up to 8 children) to a large licensed facility (9-14 children). The property is developed with two detached dwelling units. The existing and proposed daycare is located in the front single-story cottage unit and front yard area adjacent to Poppy Avenue. Parking for residents and the child daycare would be provided by the existing two-car garage and two existing carport spaces (4 spaces total). Proposed hours of operation are from 7:30 a.m. to 6:00 p.m. Monday through Friday. The property is located in the R-2 (Two-Family Residential) District.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least seventy-two (72) hours in advance of each regular hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the Community Development Department at least forty-eight (48) hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible at 949-644-3200.

Recommended
Action:

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2012-021 (PA2012-127) subject to the recommended findings and conditions.

CEQA

Compliance:

The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

Item No. 3.

Sweet Lady Jane Bakery Minor Use Permit No. UP2012-024 (PA2012-138)
3732 East Coast Highway Council District 6

Summary:

A minor use permit to convert 1,660 square feet of retail space to a food service, eating and drinking establishment, which will have an interior net public area of 280 square feet with 12 seats and an accessory outdoor dining area of 70 square feet with 8 seats. No late hours (after 11:00 p.m.) or alcohol service is proposed as part of this application. The property is located in the CC (Commercial Corridor) District.

Recommended
Action:

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2012-024 (PA2012-138) subject to the recommended findings and conditions.

CEQA

Compliance:

The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

Item No. 4.

Capriotti's Sandwich Shop Minor Use Permit No. UP2012-025 (PA2012-142)
4221 MacArthur Blvd., Space B-2 Council District 3

Summary:

A minor use permit to allow a 1,834-square-foot eating and drinking establishment (Capriotti's Sandwich Shop) within a 12,479 square foot commercial center (Newport Place Center) currently under construction. The proposed establishment includes interior seating for 28 patrons. No late hours (after 11:00 p.m.) or alcohol service is proposed as part of this application. The property is located in the PC-11 (Newport Place Planned Community) District.

Recommended
Action:

- 1) Conduct public hearing; and
- 2) Approve Minor Use Permit No. UP2012-025 (PA2012-142) subject to the recommended findings and conditions.

CEQA

Compliance:

The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

D) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Zoning Administrator has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

E) ADJOURNMENT

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any writings or documents provided to the Zoning Administrator regarding any item on this agenda will be made available for public inspection in the office of the Planning Division located at 3300 Newport Boulevard, during normal business hours.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.